



**CITY OF SUNNYVALE  
REPORT  
Administrative Hearing**

**January 12, 2005**

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**SUBJECT:**           **2004-0929 – B2 Perfection** [Applicant] **S. O. McDonald Enterprises Inc.** [Owner]: Application for a 1.2-acre site located at **150 North Wolfe Road** in an M-S (Industrial & Service) Zoning District. (APN: 205-43-028)

Motion                   Use Permit to allow an autobody repair and general auto repair in an existing building.

**REPORT IN BRIEF**

**Existing Site Conditions**           Vacant industrial building

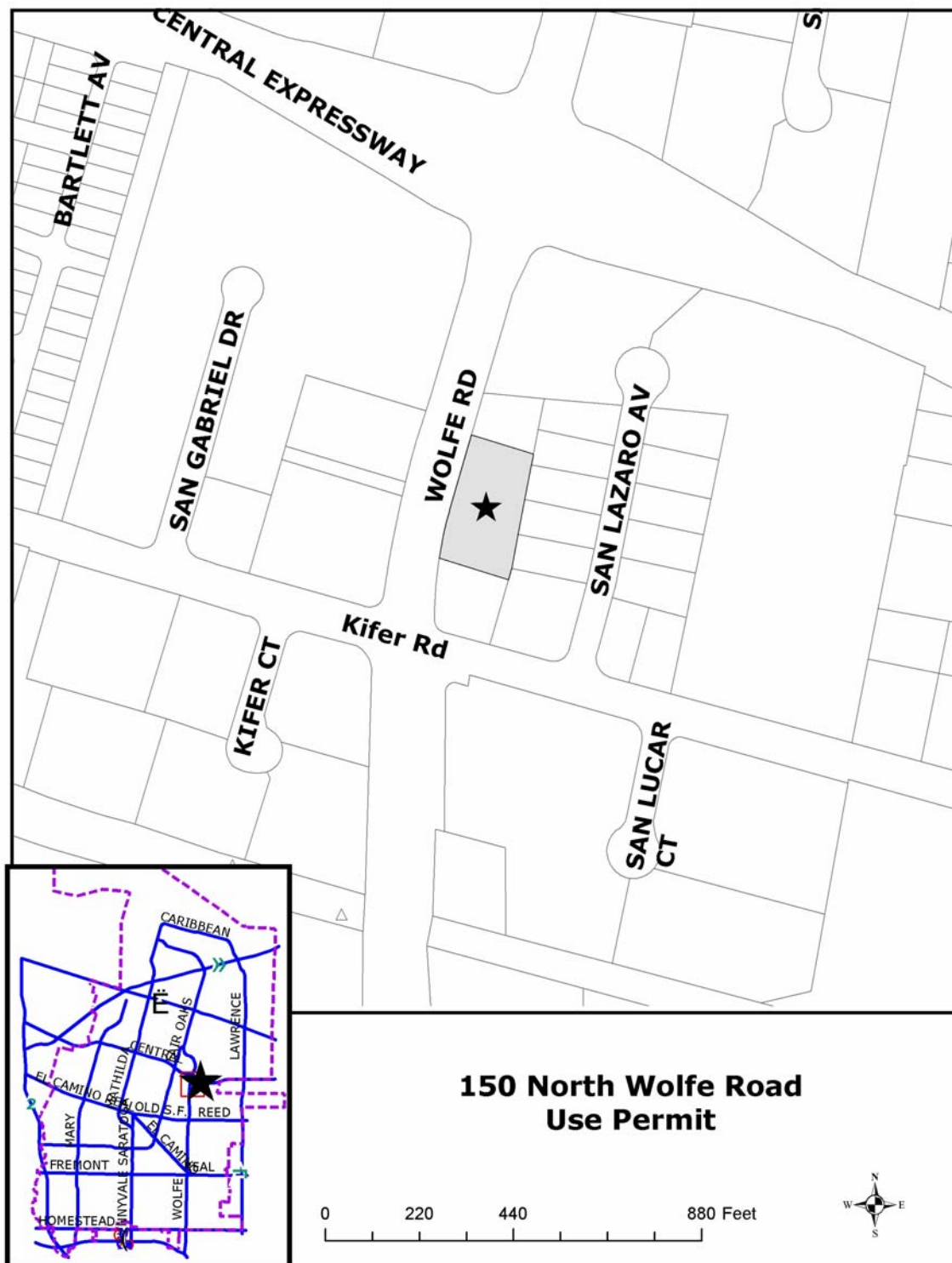
**Surrounding Land Uses**

North	Law Office
South	Commercial (Taco Bell)
East	General Industrial
West	Auto Repair Mall (Oil Changers and Firestone)

**Issues**                   Landscaping, parking layout, and screening of roof equipment

**Environmental Status**           A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Approve with Conditions



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Industrial		Industrial
<b>Zoning District</b>	M-S	Same	M-S
<b>Lot Size (s.f.)</b>	50,965 sq. ft.	Same	22,500 sq.ft. min
<b>Gross Floor Area (s.f.)</b>	15,000 sq. ft.	Same	
<b>Gross Floor Area of Tenant</b>	15,000 sq. ft.	Same	
<b>Lot Coverage (%)</b>	29.4	29.4	45%max.
<b>Floor Area Ratio (FAR)</b>	29.4%	29.4%	35% max. without PC review
<b>No. of Buildings On- Site</b>	1	1	---
<b>Building Height (ft.)</b>	15' max	15', plus screening for roof equipment	75' max.
<b>No. of Stories</b>	1	1	8 max.
<b>Setbacks (Facing Property)</b>			
• <b>Front</b>	45' (average)	Same	20' min.
• <b>Left Side</b>	132'	Same	20' total two sides min.
• <b>Right Side</b>	26'8"	Same	0' min.
• <b>Rear</b>	4'	Same	0' min.
<b>Landscaping (sq. ft.)</b>			
★ • <b>Total Landscaping</b>	2,470 sq. ft.	4,324 sq. ft.	10,193 sq. ft.
★ • <b>Frontage Width (ft.)</b>	6 ft. (average)	6 ft. (average)	15 ft. min.
★ • <b>Landscaping Buffer (ft.)</b>	4' south prop line 0' north prop. line  0' rear (east) p. line	Same 6' north prop.line (partial) Same	10 ft. min.
• <b>% Based on Floor Area</b>	16%	29%	10% min.

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
★ • <b>% Based on Parking Lot</b>	Front: 17% Rear: 0% Total: 7%	Front: 17% Rear: 9% Total: 12%	Total: 20%
★ • <b>Parking Lot Area Shading (%)</b>	Front: 5% Rear: 0%	Front: 50% in 15 years Rear: 30% in 15 years	50% min. in 15 years
• <b>Water Conserving Plants (%)</b>	100%	90%	70% min.
<b>Parking</b>			
• <b>Total Spaces</b>	Not Available	84	84 min.
• <b>Standard Spaces</b>	Not Available	84	72 min.
• <b>Compact Spaces/ % of Total</b>	0	0	8 max.
★ • <b>Accessible Spaces</b>	0	1	4 min.
★ • <b>Aisle Width (ft.)</b>	Front, south : 24' (one way) Front, north: 23.3' (two way) Rear: N/A	Same  Same Rear: 26' two way 17' one way	One way: 13.5' min. Two way: 26' min.

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

## **ANALYSIS**

### **Description of Proposed Project**

The applicant is proposing to operate an autobody and auto repair facility in an existing, 15,000 sq. ft. vacant building. The proposed business would include a paint booth (existing inside the building). The hours of operation would be from 8:00am to 5:00pm. Busy periods may require extended hours. The Use Permit is required because the building has been vacant for more than one year.

**Background****Previous Actions on the Site:**

The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description Use Permit for</b>	<b>Hearing/Decision</b>	<b>Date</b>
1978-0331	Use Permit for auto repair and towing	Approved with conditions	4/24/1978

The site operated for 24 years (1978-2002) as an auto repair and towing facility. During this time, there was only one minor Neighborhood Preservation issue (flag display) with this use.

**Environmental Review**

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes minor alterations to existing facilities.

**Use Permit**

**Use:** The applicant is proposing to operate an autobody and auto repair facility in an existing, 15,000 sq. ft. vacant building. The normal hours of operation will be 8:00am to 5:00pm. Busy periods may require extended hours.

**Site Layout:** The existing 15,000 sq. ft. building faces west and is served by two driveways accessing N. Wolfe Rd. Customer parking is in the front of the building. The rear of the property is fenced off from the front by a chain-link fence with redwood slats, topped with razor-wire. The main parking area behind the fence is used for storing vehicles while waiting for repair or pick-up.

**Easements and Undergrounding:** The site contains utility wires on the east (rear) property line. Staff has determined that undergrounding of the utility wire will not be required because the proposed use of auto body repair is a continuation of the previous use on the site.

**Architecture:** There is one, one-story, 15,000 sq. ft., industrial building on the site. The front façade consists of windows across most of the façade and a recessed entryway. The windows and entryway are topped with a band of blue, corrugated metal that is about 2' in width. The roof of the building is flat. The office portion of the building is in the front of the building and is lower in height (approx. 11.5') than the portion of the building used for auto repair

approx 15', rear and left side). The architecture of the building has not been updated in 25 years and appears outdated compared to the surrounding, updated buildings.

The applicant intends to update the building façade by removing the blue corrugated metal and repainting the façade to be consistent with the color of the surrounding buildings. (Condition of Approval #2A)

The following Guidelines were considered in the analysis of the project architecture.

Industrial Design Guidelines	Comments
<i>Building Design</i> <i>The scale, character and architectural design of new development shall be compatible with and shall enhance surrounding development.</i>	The upgrades to the building's façade will make it more compatible to the surrounding properties. Colors and materials of the façade will be chosen to be compatible and compliment the colors of the buildings on adjacent properties.

**Landscaping:** The proposed landscape plan will add 1,884 sq. ft. of landscaping to the property. The applicant is adding landscaping to all areas possible on the site. Potential areas for new landscaping are limited, given the site layout and the parking requirement. The proposed landscaping does not bring the total square footage of landscaping up to the amount required by Code, but does add landscaping in all areas where it is feasible.

The new landscaping will be added to the rear parking area on the north side of the building where there is currently no landscaping. Although the rear is not accessible to customers, it is the only area on the property where there is an opportunity to add additional landscaping. The landscaping plan submitted proposes to add the following to the rear parking area:

- A 6' strip along the north property line to contain shrubs.
- 6, 24 gallon trees throughout the parking lot,
- Living ground cover under the 6 new trees, and
- A landscape strip (6' x 54') down the middle of the parking lot.

In addition, the applicant will enhance the landscaping in the front of the property by trimming overgrown shrubs, replacing overgrown shrubs and adding shrubs to the area in front of the fence on the north side of the building.

<b>Industrial Guidelines</b>	<b>Comments</b>
<i>Parking and Circulation A2 Where large parking lots are needed, adequate landscaped pockets shall be integrated into parking areas</i>	Although Code requirements for landscaping are not met, the proposal adds almost 1,900 sq. ft. of landscaping to the rear parking lot where there is currently no landscaping.
<i>Landscaping B4 A minimum 4 foot wide landscape strip shall be provided along the sides and rear property line of all industrial sites.</i>	The plan provides a 6' buffer strip and landscape islands with trees along the north property line. The new landscaping will act as a buffer between the adjacent office building (at 0' setback) and the parking lot.
<i>Fences and Walls E1 Wherever chain linked fences are used for security purposes or for screening areas from public vies, landscaping shall be provided to screen the fence</i>	Shrubs that reach 3-4' in height will be installed along the fence that screens/secures the back parking lot.

**Parking/Circulation:** The parking to the site is served by two driveways that access N. Wolfe Rd. There are 15 parking spaces in front of the building. The applicant is proposing to use 8 of these spaces for customers dropping off their vehicles for repair. Given the nature of the autobody business, there should not be a high demand for customer parking in the front of the building. Many of the vehicles that arrive will be towed into the lot and immediately parked in the fenced-off parking area in the rear of the property. The remaining 7 spaces on the north end of the front lot would be designated as "employee only". These 7 spaces have a 23' back-up distance. The Municipal Code requires a 26' back-up distance. They are existing, legal nonconforming parking spaces.

The remaining parking spaces are not accessible to the customers. 23 of these parking spaces are in the building and the 43 are in the gated/fenced parking area on the north side of the property.

The site plan shows only one accessible parking space when four are required. There is adequate space on the plan to accommodate the additional accessible parking spaces. This may reduce the number of standard spaces available to customers in the front of the building. If this becomes a problem, the employees may be required to park their vehicles behind the gate, in order to provide more space for customer parking in the front of the building. The applicant will submit a revised parking plan that meets the accessible parking requirements before occupancy.

The following Guidelines were considered in analysis of the project parking and circulation.

<b>Industrial Design Guidelines</b>	<b>Comments</b>
<i>Surface Parking A7</i> <i>Wherever security gates are provided, sufficient parking should be provided outside of the gate area for visitors.</i>	Adequate parking in the non-gated, front of the site is provided for customers to drop off of vehicles.

**Roof Equipment:**

The roof of the building is flat with exposed mechanical equipment that is visible on the north, south and west elevations of the building. A Condition of Approval will be to provide screening of this equipment to the fullest height of the equipment. The screening provided shall appear identical to the main building.

**Screening of Equipment:**

The vehicles that are stored in the fenced area in the rear of the property will be screened on the:

- north by the adjacent office building,
- south by the building and a chain-link fence with redwood slats, and the
- east and west by a chain-link fence with redwood slats.

**Trash Enclosure:**

The trash enclosure is located in the fenced area on the north side of the building. The posts are in good condition, but the fence portion needs to be replaced and new redwood slats added. On collection days, the gate will be opened and the trash bin will be made accessible.

**Compliance with Development Standards/Guidelines:**

The proposed use meets all the development standards except for the landscaping requirement and the back-up distance in the front, north parking area. The front, north parking area is existing legal nonconforming.

**Expected Impact on the Surroundings:**

The autobody and auto repair use is compatible in the Industrial (M-S) Zoning District and within the immediate vicinity of the proposed use. The hours of operation are normal business hours, which are also compatible with the surrounding uses. Staff does not anticipate impacts to the surrounding properties as a result of this proposed use. The proposed upgrade of the landscaping and façade of the building, in addition to screening the roof equipment, will make the property more compatible with the surrounding properties.

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**Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Findings, General Plan Goals and Conditions of Approval**

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Staff was able to make the required Findings based on the justifications for the Use Permit .

- Findings and General Plan Goals are located in Attachment A.
- Conditions of Approval are located in Attachment B.

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**Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Posted on the site</li><li>• 8 notices mailed to adjacent property owners.</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Alternatives**

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1. Approve the Use Permit with the Recommended Conditions of Approval found in Attachment B.
  2. Approve the Use Permit with modified Conditions of Approval.
  3. Deny the Use Permit.
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**Recommendation**

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Alternative 1.

Prepared by:

Teresa Zarrin

Project Planner

Reviewed by:

Diana O'Dell

Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Applicant's Letter of Justification

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**Recommended Findings - Use Permit**

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1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project.

Goals and Policies that relate to this project are:

**Land Use and Transportation Element**

**N1.3.** Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the City.

**N1.7** Support the location of convenient retail and commercial services (e.g., restaurants and hotels) in industrial areas to support businesses, their customers and their employees.

The proposed use provides an autobody and auto repair use within an existing building. The autobody and auto repair facility would be conveniently located in an industrial area near employment centers.

2. The proposed use is compatible with uses in immediate vicinity, which contain uses that are traditionally found in the M-S Zone. The project will not negatively impact adjacent properties because it is :
  - the same use as the previous use which occupied the site for 24 years without complaint,
  - in an industrial area which will have no impact on residential uses, and
  - compatible with the surrounding uses of auto repair, commercial and office.

**Recommended Conditions of Approval - Use Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

**1. GENERAL CONDITIONS**

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building Permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Once this Use Permit is exercised, the previously approved permit File Number **1978-0331** shall be null and void with no further action required by any reviewing authority.
- G. Any expansion or modification of the approved use shall be approved by separate application at a public hearing.

**2. DESIGN/EXTERIOR COLORS AND MATERIALS**

- A. Final exterior building materials and color scheme are subject to review and approval of the Planning Commission/Director of Community Development prior to occupancy. The building facade upgrade shall include removing the blue corrugated metal on the front façade of the building and painting the building to be consistent with the color of the surrounding buildings.

**3. EXTERIOR EQUIPMENT**

- A. Individual air conditioning units shall be screened with architecture or landscaping features.
- B. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.
- C. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within approved enclosure area. Any stacked or stored items shall not exceed the height of the enclosure.

**4. FENCES**

- A. Design and location of any proposed fencing and/or walls are subject to the review and approval by the Director of Community Development.
- B. Such fences may extend along side property lines, but do not extend beyond the front line of the main building on each lot.

**5. LANDSCAPING**

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to occupancy. Landscaping and irrigation shall be installed prior to occupancy. The landscape plan shall include the following elements:

- 1. Add the following to the rear (north) parking lot:
  - a) A 6' strip along the north property line containing: shrubs with a maximum height of 8-10', spaced to provide a near solid buffer between the building and the parking lot.
  - b) 6, 24 gallon trees throughout the parking lot,
  - c) Living ground cover under the 6 new trees and any shrub that does not cover the soil, and
  - d) A landscape strip (6' x 54') down the middle of the parking lot.
- 2. Enhance the front landscaping by trimming overgrown shrubs.
- 3. Replacing overgrown or dead shrubs in the front of the property.

- B. Add shrubs (3-4' maximum height) to the area in front of the fence on the north side of the building.
- C. Provide separate meter for domestic and irrigation water systems.
- D. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.
- E. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- F. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.

**6. PARKING**

- A. Submit a revised parking and circulation plan to the Director of Community Development for review and approval prior to occupancy.
- B. Specify customer and employee parking areas on the revised parking and circulation plans. All such areas shall be clearly marked. Employees shall be required to park on the site.
- C. Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- D. Specify accessible parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.

**7. ROOF/ROOF SCREENS**

- A. Roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view to meet code requirements as noted in Sunnyvale Municipal Code Section 19.38.020.
- B. Submit a roof plan and elevation that shows that all roof equipment is screened to the full height of the tallest piece of equipment prior to occupancy.
- C. The roof screen shall be located on the north, west and south side of the screening area and shall appear identical to the building.

**8. TRASH ENCLOSURE**

- A. The fence portion of the trash enclosure shall be replaced and new redwood slats installed prior to occupancy of the building.

**9. SIGNS**

- A. All existing/new signs shall be in conformance with Sunnyvale Municipal Code.

**10. STORAGE**

- A. All unenclosed materials, equipment and/or supplies of any kind shall be maintained within an approved enclosed area. Any stacked or stored items shall not exceed the height of the enclosure.
- B. Unenclosed storage of any vehicle shall be prohibited.
- C. Unenclosed storage of any kind shall be prohibited on the premises.
- D. All exterior trash shall be confined to approved receptacles and enclosures.
- E. Unenclosed storage area(s) shall be fully screened to the highest point of any stored or stacked materials, equipment and/or supplies of any kind. The design and method of enclosure is subject to approval by the Director of Community Development. Any modification or expansion of unenclosed uses shall require approval from the Director of Community Development.

**11. VEHICLES**

- A. No vehicles or trailers shall be advertised for sale or rent on the site and nor vehicle sales, leasing or rentals shall be conducted at the site.